

R E M A R K S

The specification has been amended to make editorial changes to place the application in condition for allowance at the time of the next Official Action.

A substitute abstract of the disclosure is provided on an accompanying separate sheet.

Claims 1-6 were previously pending in the application. New claims 7-11 are added. Therefore, claims 1-11 are presented for consideration.

Claims 1-3 and 5 are rejected as being anticipated by WAASKE 4,219,265. This rejection is respectfully traversed.

Claim 1 of the present application includes an energizing means for energizing the lens camera cone toward a reel out position at a time when the lens camera cone exists in a portion near the reel out position, and energizing the lens camera cone toward a sinking position at a time when the lens camera cone exists in a portion near the sinking position.

Claim 1 is presented in a §112, sixth paragraph format reciting a "means for" performing a certain function. Therefore, the applied art must teach or suggest the corresponding structure described in the specification or equivalents thereof that perform the exact recited function.

The function performed by the energizing means is a two part function. The first part of the function is energizing the lens camera cone towards a reel out position at a time when the

lens camera cone exists in a portion near the reel out position. The second part is energizing the lens camera cone towards the sinking position at a time when the lens camera cone exists in a portion near the sinking position. Thus, the prior art element must perform both functions to meet the recited element.

When making a 35 USC §112, paragraph six analysis, consideration should be given to the supplemental examination guidelines for determining the applicability of 35 USC §112, paragraph six as issued on June 16, 2000.

This guideline specifically requires that in the case of a §112, sixth paragraph recitation, the process for making a *prima facie* case of equivalence of a prior art element during *ex parte* examination includes where the Examiner finds a prior art element that is equivalent of the means-(or steps)plus-function limitation, an explanation and rationale as to why the prior art element is an equivalent.

The supplemental examination guidelines have been so modified to state that if the Examiner finds that (1) a prior art element performs the claimed function, (2) the prior art element is not excluded by any explicit definition provided in the specification from equivalent, and (3) the prior art element is an equivalent, the Examiner should provide an explanation and rationale in the Official Action as to why the prior art element is equivalent to the claimed means.

The Official Action has not indicated which element of WAASKE is a means-for energizing. After carefully reviewing WAASKE, it appears that WAASKE does not disclose an element that performs the function of energizing the lens camera cone as recited in claim 1 of the present application. Specifically, column 4, lines 48-57 of WAASKE, for example, disclose that when the camera is in the working position (reel out position) a pawl 32 has one leg wedged under a drive 35. Thus, the lens tube 14 is held tightly in its operative projected position. The pawl 32 is brought into this position by means of a return spring 33. Accordingly, return spring 33 energizes the lens camera cone of WAASKE toward a reel out position. However, neither return spring 33 nor any other element of WAASKE performs the function of energizing the lens camera cone toward the sinking position.

In order to bring the camera of WAASKE into a storage position (sinking position), a user pushes control handle 7 against the force of spring 26. This causes levers 19, 27, 28 and 29 to move in such a way that the top fork of lever 29 presses against the driver 35 to cause the lens tube 14 to retract as seen in the dash-dotted lines of Figure 2 of WAASKE. Applicant believes that manually pushing a control handle 7 to engage a plurality of levers so that one of the levers contacts a drive to close the lens tube as disclosed in WAASKE is not an equivalent of the recited means for energizing a lens camera cone toward a sinking position as disclosed on page 14, line 8 through

page 16 line 12, and as shown in Figures 4 and 5 of the present application.

Accordingly, WAASKE does not disclose or suggest means for energizing the lens camera cone toward the reel out position and energizing the lens camera cone toward the sinking position as recited in claim 1 of the present application. Therefore, claim 1 is believed patentable over WAASKE.

Claims 2, 3 and 5 depend from claim 1 and further define the invention and are also believed patentable over WAASKE.

In addition, claim 2 recites that the energizing means energizes the lens camera cone at each of a plurality of angular positions. By way of example, page 16, lines 3-17 disclose that toggle springs 300 are provided at intervals of 180° to improve the operation of the lens camera cone 20. Accordingly, the plural toggle springs 300 are an energizing means for energizing the lens camera cone at each of a plurality of angles as recited in claim 2 of the present invention.

WAASKE discloses a single drive 35 not a means for energizing the cone at each of a plurality of angular positions.

Claim 3 recites that the specific energizing means is a toggle spring arranged at each said angular position. The comments above regarding claim 2 are equally applicable to claim 3. The Examiner is respectfully requested to indicate which passage or passages of WAASKE discloses a toggle spring and which

passage or passages discloses a toggle spring at each plural angular position.

Claim 5 recites that the lens camera cone is provided with a finger-engaged portion with which a finger of an operator is engaged at a time of manually reeling out the lens camera cone, in a front-end portion thereof. As discussed above regarding claim 1, lens tube 14 of WAASKE is projected out by the lower fork leg of fork lever 29. WAASKE does not disclose or suggest that the lens camera cone is provided with a finger-engage portion as recited in claim 5 of the present application.

None of the above features are disclosed in the reference and thus these claims are believed patentable regardless of the patentability of claim 1 from which they depend.

Claims 1-6 are rejected as anticipated by ARITA et al. 5,664,240. This rejection is respectfully traversed.

As noted in the Abstract of ARITA et al., ARITA et al. is an apparatus for delaying a camera extendible lens from being automatically withdrawn into the camera body by the camera lens driver when the camera mode setting switch is set to or through a camera OFF setting. Accordingly, ARITA et al. is directed to automatic lens cone movement using a camera lens driver. Such camera would not anticipate a camera freely sunk and reeled out in accordance with a manual operation as recited in claim 1 of the present application.

Specifically, as noted above, claim 1 is written in 35 USC §112, sixth paragraph format. The lens driver of ARITA et al. is not a structural equivalent of the recited means for energizing a lens camera cone towards a reel out position and energizing the lens camera cone towards a sinking position as disclosed on page 14, line 8 through page 16, line 12 and as seen in Figures 4 and 5 of the present application. Accordingly, claim 1 is also believed patentable over ARITA et al.

Claims 2-6 depend from claim 1 and further define the invention and are also believed patentable over ARITA et al.

In addition, the Examiner is respectfully requested to indicate which passage of ARITA et al. discloses energizing a lens camera cone at each of a plurality of angular positions as recited in claim 2 of the present application. The Examiner is also respectfully requested to indicate which passage or passages of ARITA et al. disclose a toggle spring and a bellows as recited in claim 3 and 4 respectively, of the present application. Further, the Examiner is respectfully requested to indicate a finger engage portion on the lens camera cone of ARITA et al. ARITA et al. discloses at column 4, lines 65-67 a lens barrel retracting circuit 18 for retracting a lens barrel 3 into the camera body. This same circuit or a similar circuit would extend the lens barrel from the camera body. ARITA et al. do not disclose or suggest a finger engagement portion for manually

rolling out the lens camera cone as recited in claim 5 of the present application.

Column 2, lines 16-27 of ARITA et al., for example disclose an ON/OFF switch 1, a shutter release switch 2 and a lens barrel 3. The Examiner is respectfully requested to indicate which section or sections of ARITA et al. disclose a lens barrier arranged on a front surface of the lens camera cone, and a shutter mechanically connected to the main body portion via a connecting mechanism as recited in claim 6 of the present application. As the reference does not disclose that which is recited, the anticipation rejection is not viable. Accordingly, claims 1-6 are believed patentable over ARITA et al.

New claim 7 recites a plurality of urging elements for urging the lens camera cone toward the reel-out position when the camera cone is in the reel-out position and urging the lens camera cone toward the sinking position for when the lens camera cone is in the sinking position. As noted above regarding claim 1, the references do not disclose or suggest an urging element that performs two functions, the first function of urging the lens camera toward the reel-out position and the function of urging the lens camera toward the sinking position. New claim 8 includes first and second projections on a periphery of the lens camera cone. New claim 9 recites that the first and second projections are 180° to each other. New claim 10 recites that there are two urging elements connected to the first and second

projections and new claim 11 recites that the two urging elements are toggle springs. Support for claims 7-10 can be found on page 15, line 3 through page 16, line 12.

None of these features are disclosed in the references. Accordingly, it is believed that the new claims avoid the rejections under §102 and are allowable over the art of record.

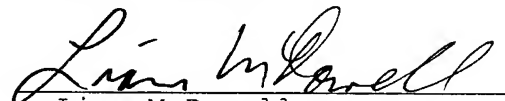
In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

Attached hereto is a marked-up version of the changes made to the abstract, specification and claims. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Respectfully submitted,

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ABSTRACT OF THE DISCLOSURE

A camera provided with a main body portion, and a lens camera cone freely sunk and reeled out in accordance with a manual operation. The camera is provided with a positioning element for positioning the lens camera cone at a predetermined reel-out position at a time when the lens camera cone is reeled out and positioning the lens camera cone at a predetermined sinking position at a time when the lens camera cone is sunk. The camera also has an energizing element for energizing the lens camera cone toward the reel-out position at a time when the lens camera cone exists in a portion near the reel-out position, and energizing the lens camera cone toward the sinking position at a time when the lens camera cone exists in a portion near the sinking position.

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

The **Abstract of the Disclosure** has been amended as follows:

ABSTRACT OF THE DISCLOSURE

[The invention relates to a] A camera provided with a main body portion, and a lens camera cone freely sunk and reeled out in accordance with a manual operation[, and improve an operability of manually reeling out the lens camera cone and manually sinking the lens camera cone]. The camera is provided with a positioning [means] element for positioning the lens camera cone at a predetermined reel-out position at a time when the lens camera cone is reeled out and positioning the lens camera cone at a predetermined sinking position at a time when the lens camera cone is sunk.[, and] The camera also has an energizing [means] element for energizing the lens camera cone toward the reel-out position at a time when the lens camera cone exists in a portion near the reel-out position, and energizing the lens camera cone toward the sinking position at a time when the lens camera cone exists in a portion near the sinking position.

**Page 6**, the paragraph beginning on line 25 has been replaced as follows:

--Fig. 2 is a [plane] plan view of a lens stop setting dial (an aperture setting dial) and four light emitting devices.--

**Page 11**, the paragraph beginning on line 19 has been replaced as follows:

--Fig. 2 is a [plane] plan view of the lens stop setting dial and four light emitting devices.--

**Page 11**, the paragraph beginning on line 21, bridging page 12, has been amended as follows:

--The lens stop setting dial 91 is one of operating devices operated by the user at a time of using the camera 1, and an index 91a and a columnar aperture dial rotating convex portion 91b structured such as to be easily operated at a time when the user executes a rotating operation are provided in the lens stop setting dial 91 taking a design view into consideration. The respective four light emitting devices 92 are arranged [in] adjacent to each other along an outer periphery of the lens stop setting dial 91, and independently emit red lights and green lights. In this case, as mentioned below, a lens stop value (an aperture value) of the camera 1 can be freely switched to four stages, and the respective light emitting devices 92 and the respective lens stop values correspond to each other in one-one relation. The lens stop value of the camera 1 is set to a lens stop value corresponding to the light emitting device 92 with which the index 91a is aligned, by a mechanism mentioned below. When the brightness of field is measured by the light measuring portion 60, the light emitting device 92 corresponding to the lens stop value in accordance with the measured brightness of

field lights in a red color so as to indicate the setting of the lens stop value given by the user. When the index 91a is aligned with the light emitting device lighting in the red color in accordance with the rotating operation of the lens stop setting dial 91, the light emitting device 92 lighting in the red color is switched to the lighting in a green color so as to indicate to the user that the lens stop value of the camera 1 is set to the lens stop value corresponding to the brightness of field. In accordance with the present embodiment, since four light emitting devices 92 mentioned above are provided, it is possible to guide the operation of the lens stop setting dial 91 given by the user, whereby it is possible to make the user easily set the lens stop value. These four light emitting devices 92 correspond to the indicating portion in accordance with the present invention.--